

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

DAVID TARVER,

Petitioner,

v.

MAGGIE MILLER-STOUT,

Defendant.

Case No. C06-5577 RJB/KLS

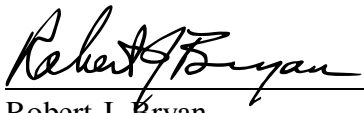
ORDER ADOPTING REPORT AND  
RECOMMENDATION

The Court, having reviewed the Report and Recommendation of Magistrate Judge Karen L. Strombom, objections to the Report and Recommendation, if any, and the remaining record, does hereby find and ORDER:

- (1) The Petitioner objects to the adoption of the Report and Recommendation by arguing that issues raised in the current petition are separate and distinct from issues raised in his previous habeas corpus petition. Dkt. 7. This objection is without merit. 28 U.S.C. § 2244 provides that a second or successive habeas corpus application that presents issues not raised in a previous habeas corpus petition shall be filed with the appropriate court of appeals;
- (2) The Court adopts the Report and Recommendation;

- 1 (3) This petition is **TRANSFERRED TO THE NINTH CIRCUIT AS A SECOND**  
2 **OR SUCCESSIVE PETITION** pursuant to 9th Cir. R. 22-3(a); and  
3 (4) The Clerk is directed to send copies of this Order to Petitioner, and to counsel  
4 for Respondent, and to the Hon. Karen L. Strombom **AND TO**  
5 **ADMINISTRATIVELY CLOSE THIS FILE.**

6 DATED this 9<sup>th</sup> day of January, 2007.

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9 Robert J. Bryan  
10 United States District Judge  
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